

Action No. 12-6248, Docket No. 48; Civil Action No. 13-1514, Docket No. 21)¹ filed July 15, 2014; upon consideration of the Motion for Summary Judgment of Primecare Medical, Inc., Dr. Robert Shambaugh, and Dr. Elicia Stein (Docket No. 45)² filed July 15, 2014; upon consideration of Plaintiffs' Brief in Opposition to the Motions of Summary Judgment of Defendants' Lancaster County, Warden Guarini, Primecare Medical, Inc., Dr. Robert Shambaugh and Dr. Elicia Stein (Docket Nos. 50 and 51)³ filed August 15, 2014, upon consideration of the Reply Brief of Defendants Lancaster County and Warden Vincent A. Guarini to Plaintiffs' Response Contra Defendants' Motion for Summary Judgment (Docket No. 70) filed with leave of Court on October 6, 2014; and for the reasons expressed in the foregoing Memorandum Opinion,

IT IS ORDERED that the Motion for Summary Judgment of Primecare Medical, Inc., Dr. Robert Shambaugh, and Dr. Elicia Stein (Docket No. 45) is **DENIED**.

IT IS FURTHER ORDERED that Defendants Lancaster County and Warden Vincent A. Guarini's Motion for Summary Judgment (Civil Action No. 12-6248, Docket No. 48;

¹ The undersigned notes that Defendants filed the same motion for summary judgment in each of the cases, which have been previously consolidated for all purposes. In conjunction with their motion, Defendants also filed their Statement of Relevant Undisputed Facts in Support of Defendants Lancaster County and Warden Vincent A. Guarini's Motion for Summary Judgment and Brief in Support of Defendants Lancaster County and Warden Vincent A. Guarini's Motion for Summary Judgment.

² Unless otherwise noted, all docket references refer to Civil Action No. 12-6248. The Brief of Primecare Medical, Inc., Robert Shambaugh, and Elicia Stein in Support of Their Motion for Summary Judgment (Docket No. 46) and the Statement of Undisputed Facts of Primecare Medical, Inc., Dr. Robert Shambaugh, and Dr. Elicia Stein in Support of Their Motion for Summary Judgment (Docket No. 47) were also filed on July 15, 2014.

³ Docket Nos. 50 and 51 appear to be duplicative of each other. In conjunction with their brief in opposition, Plaintiffs responded to the statements of undisputed facts submitted by the Defendants and also filed their own counter statement of undisputed facts (Docket No. 52) on August 15, 2014. The Response of Defendants Primecare Medical, Inc., Dr. Robert Shambaugh, and Dr. Elicia Stein to Plaintiff's Counter Statement of Undisputed Facts (Docket No. 55) was filed August 29, 2014.

Civil Action No. 13-1514, Docket No. 21) is **GRANTED** in part. Summary judgment is **GRANTED** in favor of Vincent Guarini only with respect to the individual Americans With Disabilities Act claim contained in Count III of the First Amended Civil Complaint in Civil Action No. 12-6248. Defendants' motion is **DENIED** in all other respects.

IT IS FURTHER ORDERED that Defendant Vincent Guarini is not entitled to qualified immunity.

BY THE COURT:

/s/ Henry S. Perkin
HENRY S. PERKIN,
United States Magistrate Judge